

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: PRADAXA (DABIGATRAN ETEXILATE)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2385

TRANSFER ORDER

Before the Panel: Plaintiffs in the action listed on Schedule A (*Ridings*) move under Panel Rule 7.1 to vacate our order that conditionally transferred *Ridings* to the Southern District of Illinois for inclusion in MDL No. 2385. Defendant Boehringer Ingelheim Pharmaceuticals, Inc. (BIPI) opposes the motion.

In their motion to vacate, plaintiffs principally argue that transfer should not take place unless and until their motion for remand to state court is decided. As we have held repeatedly in both this and other dockets, a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order.¹ *See, e.g.*, Transfer Order at 1-2, *In re Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig.*, MDL No. 2385 (J.P.M.L. Dec. 13, 2013), ECF No. 374. In any event, the transferor court denied plaintiffs' remand motion on March 31, 2015. *See* Order Denying Mot. to Remand at 10, *Ridings v. Maurice*, C.A. No. 4:15-00020 (W.D. Mo. Mar. 31, 2015), ECF No. 21.

Plaintiffs also argue that transfer is not warranted because all the actions pending in MDL No. 2385 currently are stayed to facilitate completion of a settlement between BIPI and the majority of plaintiffs in both federal and state actions. It is true that "the relative merits of transferring new tag-along actions to an ongoing MDL can change over time as the transferee court completes its primary tasks and cases already in the centralized proceedings progress towards trial or other resolution." *In re Checking Account Overdraft Litig.*, 818 F. Supp. 2d 1373, 1373 (J.P.M.L. 2011). We are not convinced, however, that this litigation has reached the stage at which the transfer of tag-along actions no longer serves the purposes of Section 1407. It seems likely that a number of actions will remain after the current settlement program is concluded, and various pretrial proceedings, including the resolution of dispositive and other pretrial motions, will have to be conducted. Thus, these actions will continued to benefit from the coordination and consolidation that Section 1407 centralization provides.

After considering the argument of counsel, we find that *Ridings* involves common questions of fact with the actions previously transferred to MDL No. 2385, and that transfer under 28 U.S.C.

¹ Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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§ 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In our order centralizing this litigation, we held that the Southern District of Illinois was an appropriate Section 1407 forum for actions sharing factual questions arising out of allegations that plaintiffs suffered severe bleeding or other injuries as a result of taking the drug Pradaxa (dabigatran etexilate), that defendants did not adequately warn prescribing physicians of the risks associated with Pradaxa, including the potential for severe or fatal bleeding, and that there is no reversal agent to counteract Pradaxa's anticoagulation effects. *See In re Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig.*, 883 F. Supp. 2d 1355, 1356 (J.P.M.L. 2012). This action involves virtually identical allegations that plaintiff suffered severe bleeding as a result of ingesting Pradaxa. Thus, it falls squarely within the subject matter of the MDL.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Southern District of Illinois and, with the consent of that court, assigned to the Honorable David R. Herndon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: PRADAXA (DABIGATRAN ETEXILATE)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2385

SCHEDULE A

Western District of Missouri

RIDINGS, ET AL. v. MAURICE, ET AL., C.A. No. 4:15-00020